

# EM and Pretrial



- With the campaign to end cash bail, many jurisdictions wanted to add EM as a condition of release
- During the pandemic some jurisdictions released people on EM, then jail population shot back up but EM did not fall.



## Myth Number One:

Electronic monitoring is an evidence –based technology.

## Reality:



We don't know how many people are on EM in US.

No legitimate studies prove the efficacy of electronic monitoring. No evidence exists that proves:

- That it reduces recidivism
- That it reduces failure to appear
- That it reduces crime
- Where data from GPS tracking goes

## Myth Number Two:

We just need to follow best practice for our electronic monitoring program to succeed

### Reality:



- There is no best practice.
- There is no accountability.
- No jurisdiction has ever done a rigorous study of their electronic monitoring program.
- Very, very few jurisdictions even do annual reports on their EM programs.
- EM has a long history of technical failures

## Myth Number Three

Electronic monitors do no physical harm to the person wearing the device.

### Reality:



No major study has ever been done to test the physical or mental health impact of electronic monitors.

In 2020 the Cardozo School of Law did a study of 147 migrants who were on EM:

- 70% reported physical reactions to the monitor-swelling, open sores, cramps
- 20% reported receiving an electric shock from the device

# Myth Number Four

Electronic monitoring  
saves money.

## Reality:



- Saves money compared to what?
- Saves money for who?
- How do we calculate savings, anyway?

A background image showing a person in the foreground holding a megaphone, with other people visible in the background. The image is overlaid with a red-to-yellow gradient.

## Myth Number Five

Electronic monitors are an alternative to incarceration.

### Reality:



- Electronic monitoring is an **alternative form** of incarceration.
- It deprives people of their liberty by:
- Limiting movement
- Inhibiting access to jobs, medical treatment, education, housing
- Disrupting family and community



## Myth Number Six

It's not perfect but it's the best option we have.

### Reality



**Funding for EM could be used for constructive, healing programs**

**Doing nothing is better than doing a punitive, costly something.**

## RESOURCES

Kate Weisburd: "[Electronic Prisons: The Operation of Ankle Monitoring in the Criminal Legal System.](#)

JustFutures Law: [Take Back Tech Fellowship Reports-](#)

Kate Weisburd, Emmett Sanders and James Kilgore, "[The Case Against E-Carceration.](#)" Inquest, July 3, 2021

MediaJustice: [#NoDigitalPrisons Medium Blog](#)-a collection of more than two dozen blogs highlighting various aspect of electronic monitoring.

[MediaJustice Publications on Electronic Monitoring](#)-A collection of reports and writing from MediaJustice's Challenging E-Carceration Project (drop during opening)

James Kilgore and Emmett Sanders, "[Electronic monitoring has widened its net amid COVID.](#)" Truthout, October 4, 2021

James Kilgore, [Understanding E-Carceration: Electronic Monitoring, the Surveillance State and the Future of Mass Incarceration, \(forthcoming January 2022, The New Press\)](#)

[10 Facts About Pretrial Electronic Monitoring in Cook County](#)- Chicago Appleseed Center for Fair Courts - September 2021  
the most detailed statistical analysis of an EM program anywhere in the US. (drop any time)

[Immigration Cyber Prisons](#)- Benjamin N. Cardozo School of Law Kathryn O. Greenberg Immigration Justice Clinic, Freedom for Immigrants, Immigrant Defense Project  
Report of a survey of 147 people on ICE monitors. Focuses on the medical problems caused by monitors.

[Electronic Monitoring Hot Spot Map](#)- MediaJustice-interactive map that highlights where EM is widespread and where activists have resisted the spread of this technology.

### Videos from Mohawk Johnson:

<https://twitter.com/i/status/1438702826344128513>

<https://twitter.com/i/status/1440255705462702082>

<https://twitter.com/i/status/1419143491326783488>

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